



RCE  
JFW

PTO/SB/30 (04-05)

Approved for use through 07/31/2006. OMB 0651-0031  
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## Request for Continued Examination (RCE) Transmittal

Address to:  
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P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	10/667,176
Filing Date	09/17/2003
First Named Inventor	John L. White
Art Unit	3721
Examiner Name	Truong, Thanh K
Attorney Docket Number	P214414

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

ii. ☐ Other \_\_\_\_\_

b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☐ Other \_\_\_\_\_

### 2. Miscellaneous

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other \_\_\_\_\_

### 3. Fees

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge ~~the following fees~~, any underpayment of fees, or credit any overpayments, to Deposit Account No. 502099. I have enclosed a duplicate copy of this sheet.

i. ☒ RCE fee required under 37 CFR 1.17(e)

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ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

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395.00 OP

iii. ☐ Other \_\_\_\_\_

b. ☒ Check in the amount of \$ 395 enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<i>Michael R. Schacht</i>	Date	September 23, 2005
Name (Print/Type)	Michael R. Schacht	Registration No.	33,550

### CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature	<i>Susie Hubka</i>
Name (Print/Type)	Susie Hubka
Date	September 23, 2005

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	John L. White	)	Examiner:	Truong, Thanh K
Serial No.:	10/667,176	)	Art Unit:	3721
Filed:	09/17/2003	)	Attorneys Ref.:	P214414
Title:	PRELOADED DROP HAMMER FOR DRIVING PILES	)		

**REQUEST FOR CONTINUED EXAMINATION AND SUBMISSION  
UNDER 37 CFR 1.114**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Request for Continued Examination (RCE) follows the final Office Action mailed June 23, 2005. It is believed that no fee is due at this time to maintain the application in full force and effect. However, if any such fee or charge is due, please charge this fee to Deposit Account No. 502099.

Please amend the application as described herein.

**REMARKS**

This Submission is filed with a Request for Continued Examination following receipt by the Applicant of a final Office Action mailed on June 23, 2005, in connection with this case. In that Office Action, the Examiner rejected pending claims 1, 4-6, 8, 9, 11-13, 18, 19, and 21 under 35 USC § 102(b) based on U.S. Patent No. 4,497,376 to Kurylko. The Examiner also rejected claims 4-6 and 8 under 35 USC § 112, second paragraph.

In this Request for Continued Examination, the Applicant has amended claims 1, 13, and 18 to overcome the rejections under 35 USC § 102(b) and claim 4 to overcome the rejections to claims 4-6 and 8 under 35 USC § 112.

In particular, the amendment to claims 1, 13, and 18 specify that the invention employs a lifting assembly to mechanically raise the ram member from the lower position to the upper